

Exhibit A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE MACDONALD, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

DYNAMIC LEDGER SOLUTIONS, INC.,
a Delaware corporation, TEZOS
STIFTUNG, a Swiss Foundation,
KATHLEEN BREITMAN, an
Individual, ARTHUR BREITMAN,
an Individual, TIMOTHY COOK
DRAPER, an individual, DRAPER
ASSOCIATES, JOHANN GEVERS,
DIEGO PONZ, GUIDO SCHMITZ-
KRUMMACHER, BITCOIN SUISSE AG,
NIKLAS NIKOLAJSSEN and DOES 1-100,
INCLUSIVE,

Defendants.

Case No. 3:17-cv-07095-RS

CLASS ACTION

**PLAINTIFFS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO DEFENDANTS DYNAMIC LEDGER
SOLUTIONS, INC., TEZOS STIFTUNG,
AND BITCOIN SUISSE AG**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs, by their counsel, hereby request that you produce and permit Plaintiffs' counsel to inspect and to copy all documents in your possession, custody or control that are responsive to the requests herein, within 30 days to the offices of Hagens Berman Sobol Shapiro LLP, 715 Hearst Avenue, Suite 202, Berkeley, California 94710, or at such other place, which shall be agreed upon by counsel for the parties. The documents shall be produced as they are kept in the usual course of business and shall be organized and labeled to correspond to the categories in these requests. The responding party is further required to supplement the responses.

These requests are being made on an expedited basis, and Plaintiff reserves all rights to supplement these requests in the ordinary course.

I. DEFINITIONS

Unless otherwise stated, the terms set forth below are defined as follows:

1. "Communication" or "communications" refers to every manner or means of disclosure, transfer or exchange of information (in the form of facts, ideas, inquiries or otherwise), whether orally, electronically, by document, telecopier, mail, personal delivery or otherwise.

2. "Complaint" refers to Plaintiffs' Class Action Complaint for Violations of California Corporations Code § 25110 and California's Unfair Competition Laws (Dkt. No. 1) in the above-captioned case. All paragraph references herein are to the Complaint.

3. "Concerning" means relating to, referring to, describing, discussing, evidencing, regarding or constituting.

4. "Defendants," "you" or "your" refers to Dynamic Ledger Solutions, Inc., Tezos Stiftung, Kathleen Breitman, Arthur Breitman, Timothy Cook Draper, Draper Associates, Johann Gevers, Diego Ponz, Guido Schmitz-Krummacher, Bitcoin Suisse AG, and Niklas Nikolajsen. All references to the "Breitmans" (plural) refer to both Defendant Kathleen Breitman and Defendant Arthur Breitman.

1 5. “DLS,” or “Dynamic Ledger Solutions” refers to defendant Dynamic Ledger
2 Solutions, Inc. and its parents, subsidiaries, predecessors, successors, divisions, affiliates,
3 operating units, controlling persons, controlled persons, officers, directors, employees,
4 representatives or agents.

5 6. “Document” or “documents” has the same meaning as in Fed. R. Civ. P. 34(a) and
6 Federal Rule of Evidence 1001, including, but not limited to, writings, drawings, graphs, charts,
7 photographs, sound recordings, images and other data or data compilations stored in any medium
8 from which information can be translated, if necessary, by the respondent into reasonably usable
9 form, to inspect, copy, test or sample any designated tangible things, which constitute or contain
10 matters within the scope of Fed. R. Civ. P. 26(b). This definition includes copies or duplicates of
11 documents contemporaneously or subsequently created that have any notes or other markings.
12 Without limiting the generality of the foregoing, document (or documents) includes, but is not
13 limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages,
14 studies, analyses, contracts, agreements, working papers, accounts, analytical records, reports
15 and/or summaries of investigations, trade letters, press releases, comparisons, books, calendars,
16 diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins,
17 notices, diagrams, instructions, notes or minutes of meetings or other communications of any type,
18 including inter- and intra-office communications, questionnaires, surveys, photographic
19 recordings, films, tapes, disks, data cells, print-outs of information stored or maintained by
20 electronic data processing or word processing equipment, including e-mail, and all other
21 electronically stored information and any preliminary versions, drafts, or revisions of the
22 foregoing.

23 7. “ICO Proceeds” refers to all funds collected via or derived from the Tezos Initial
24 Coin Offering (the “ICO” or “Tezos ICO”).

25 8. “Identify” or “identifying”:

26 (a) when used to refer to a document, “identify” or “identifying” means to provide: (i)
27 the date of each document; (ii) the type of each document (e.g., letters, memos, etc.); (iii) the name
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1 of the author(s) of each document; and (iv) the present location of each such document or copies
2 thereof;

3 (b) when used in reference to a communication, “identify” or “identifying” means to
4 state the date and participants in the communication and, if the communication is written, to
5 identify the documents containing the communication or, if the communication is oral, to identify
6 the date and participants in and identify all documents describing or memorializing or, if no such
7 documents are available, to briefly describe the contents and subject matter of the communication;

8 (c) when used to refer to a natural person, “identify” or “identifying” means to set forth
9 that person’s: (i) full name and title, if any; and (ii) present or last known address and telephone
10 number(s);

11 (d) when used in any other context, “identify” or “identifying” means to define or
12 describe completely the requested item or information, including sufficient detail such that the
13 item or information: (i) is distinguishable from any other items or information or any parent-
14 category of items or information; and (ii) includes a sufficiently detailed description of any sub-
15 categories of items or information.

16 9. “Person” or “persons” refers to any natural person, proprietorship, public or private
17 corporation, partnership, joint venture, trust, association, company, firm, government or
18 governmental entity (including any government agency, board, authority, commission or political
19 subdivision or department thereof), or any other form of business or legal entity, organization or
20 arrangement.

21 10. “Refer” or “relate” or “referring” or “relating” means all documents that explicitly
22 or implicitly, in whole or in part, reflect, record, memorialize, discuss, describe, compare, consider,
23 concern, constitute, embody, evaluate, analyze, review, report on, comment on, impinge upon or
24 impact the subject matter of the request.

25 11. “Tezos Stiftung”, “Tezos Foundation”, or the “Foundation” refers to Defendant
26 Tezos Stiftung and its parents, subsidiaries, predecessors, successors, divisions, affiliates,
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operating units, controlling persons, controlled persons, officers, directors, employees, representatives or agents.

12. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to give the request the broadest possible application.

13. The term “any” means any and all. The term “all” has the same meaning.

14. The use of the singular shall be deemed to include the plural, and the use of one gender shall include all others, as appropriate in the context.

II. INSTRUCTIONS

1. Pursuant to the Federal Rules of Civil Procedure, you are to produce for inspection and copying original documents as they are kept in the usual course of business, and you shall organize and label them to correspond with the categories in these requests.

2. If production of items or documents responsive to these requests is withheld under a claim of privilege or upon any other ground, as to each such item or document, state the following information in sufficient detail to permit the Court to rule on your claim:

(a) Which privilege is claimed;

(b) A precise statement of the facts upon which said claim of privilege is based;
and

(c) If a document is privileged, include the following information describing each purportedly privileged document:

(i) Its nature, *e.g.*, agreement, letter, memorandum, tape, etc.;

(ii) The date it was prepared;

(iii) The date it bears;

(iv) The date it was sent;

(v) The date it was received;

(vi) The number of pages or Bates numbers of the document;

(vii) The identity of the person preparing it;

- 1 (viii) The identity of the person sending it;
- 2 (ix) The identity of each person to whom it was sent or was to have been
- 3 sent, including all addresses and all recipients of copies;
- 4 (x) A statement as to whom each identified person represented or
- 5 purported to represent at all relevant times; and
- 6 (xi) A precise description of the place where each item, or a copy of that
- 7 document, is kept, including the title or description of the file in which said item or document may
- 8 be found and the location of such.

9 3. If an item or document responsive to these requests was at any time in your

10 possession, custody or control but is no longer available for production, as to each such document

11 state the following information:

- 12 (a) Whether the item or document is missing or lost;
- 13 (b) Whether the item or document has been destroyed;
- 14 (c) Whether the item or document has been transferred or delivered to another
- 15 person and, if so, at whose request;
- 16 (d) Whether the item or document has been otherwise disposed of; and
- 17 (e) A precise statement of the circumstances surrounding the disposition of the
- 18 item or document and the date of disposition.

19 4. With respect to any items or documents, the production of which you contend is in

20 some way “burdensome” or “oppressive,” please state the specific reasons for that objection.

21 5. Do not redact any information from any document you produce in response to these

22 requests unless you are asserting a privilege with respect to the redacted portion. If any document

23 is produced in redacted form, prepare a log identifying all portions of the document that have been

24 withheld and the reason why they are being withheld, including information sufficient to comply

25 with the requirements of Fed. R. Civ. P. 26(b)(5).

26 6. Whenever a document is not produced in full or is produced in redacted form, so

27 indicate on the document and state with particularity the reason or reasons why it is not being

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1 produced in full and describe to the best of your knowledge, information and belief, and with as
2 much particularity as possible, those portions of the document that are not being produced.

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4 **III. DOCUMENTS TO BE PRODUCED**

5 REQUEST NO. 1:

6 Any documents concerning where all ICO Proceeds actually exist.

7 REQUEST NO. 2:

8 Any documents concerning how the ICO Proceeds were received, where, and in what form.

9 REQUEST NO. 3:

10 Any documents concerning who has control to convert or transfer the ICO Proceeds.

11 REQUEST NO. 4:

12 Any documents concerning what ICO Proceeds have been transferred or converted, by whom and
13 into what.

14 REQUEST NO. 5:

15 Any documents concerning what safeguards are currently in place to protect the ICO Proceeds.

16 REQUEST NO. 6:

17 Any documents concerning regulatory intervention or oversight by Swiss authorities over Tezos
18 Stiftung.

19 REQUEST NO. 7:

20 Any agreements or other documents concerning control of the ICO Proceeds.

21 REQUEST NO. 8:

22 Any documents relating to the results of any audits of Defendants DLS and Tezos Stiftung.

23 REQUEST NO. 9:

24 Any documents sufficient to identify the identities, physical addresses and titles of all persons
25 associated with Bitcoin Suisse AG, the Foundation and DLS as counsel, officers, directors, and
26 employees.

1 REQUEST NO. 10:

2 All documents sufficient to identify details regarding the “multi-signature” protocol being used for
3 the ICO Proceeds, including documents concerning Bitcoin Suisse AG’s role in the protocol.

4 REQUEST NO. 11:

5 All documents sufficient to show the capital structure of Dynamic Ledger Solutions.

6 REQUEST NO. 12:

7 All documents sufficient to identify all shareholders and to demonstrate Draper/Draper Associates’
8 interest in and control over Dynamic Ledger Solutions.

9 REQUEST NO. 13:

10 All documents and communications concerning the resignation of Defendant Schmitz-
11 Krummacher and his replacement and/or efforts to select his replacement.

12 REQUEST NO. 14:

13 All documents concerning the termination of the Foundation’s auditor.

14 REQUEST NO. 15:

15 All documents and communications relating to the formation and governance of DLS and the
16 Foundation.

17 REQUEST NO. 16:

18 All documents and communications relating to, and sufficient to demonstrate the basis of, the
19 allegations by the Breitmans against Johann Gevers as alleged in ¶¶ 102-103 of the Complaint.

20 REQUEST NO. 17:

21 The 46-page letter referenced in ¶ 103 of the Complaint, as well as any other documents and
22 communications relating to the allegations contained in the letter.

23 REQUEST NO. 18:

24 All documents and communications concerning Johann Gevers’ request for the Foundation to pay
25 him a bonus.

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1 REQUEST NO. 19:

2 All documents and communications relating to the removal of, or attempts to remove, Johann
3 Gevers from the Foundation board.

4 REQUEST NO. 20:

5 All documents and communications relating to the suspension of Johann Gevers's operational role
6 in the Foundation.

7 REQUEST NO. 21:

8 All documents and communications related to any agreements between and among DLS and the
9 Foundation.

10 REQUEST NO. 22:

11 All documents and communications relating to Gevers' allegations that the "Breitmans have been
12 trying to control the foundation as if it were their own private entity by bypassing the foundation's
13 legal structure and interfering with management and operations" and of the Breitmans "illegal
14 coup" as alleged in ¶ 104 of the Complaint.

15 REQUEST NO. 23:

16 All documents and communications concerning the Foundation's involvement in the promotion of
17 the ICO, or the solicitation of ICO proceeds, or the creation of websites to promote or facilitate
18 the ICO.

19 REQUEST NO. 24:

20 All documents and communications concerning any activities undertaken by the Foundation, its
21 officers, or agents, in the United States.

22 REQUEST NO. 25:

23 All communications between the Breitmans and/or DLS and the Foundation since the ICO.

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1 REQUEST NO. 26:

2 All documents sufficient to itemize the expenses and any other payments by the Foundation paid
3 for by proceeds from the ICO, including attorneys' fees, salaries, bonuses or other payments to the
4 Foundation directors or others.

5 Respectfully submitted,

6 DATED: January 10, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

7 By: /s/ Reed R. Kathrein

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